IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 955/2004
(Vinod Dhanadiya Vs. Smt. Rajani Dhanadiya)

Date of Order : 06/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. I.R.Choudhary for the petitioner.
Mr. M.S.Rathore for the non-petitioner.

BY THE COURT:-

By this petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 13.9.2004 passed by Judge, Family Court, Jodhpur (for short 'the family court' hereinafter) whereby during pendency of the application under Section 125 Cr.P.C. filed by the non-petitioner, the family court granted monthly allowance of interim maintenance @ 1000/- in favour of the non-petitioner and against the petitioner.

It is contended by learned counsel for the petitioner that the family court has not determined the income of the petitioner and without determination of the income, monthly allowance of interim maintenance has been granted.

At the time of granting interim allowance of

maintenance, the court is to pass the interim order on the pleadings of the parties keeping in view the minimum requirement of an adult person to maintain during pendency of the main petition. The parties are yet to lead evidence to establish their case. In the circumstances, therefore, the contention raised by learned counsel for the petitioner cannot be accepted with regard to the determination of the income.

The petition has no force and it is therefore, dismissed. Stay petition also stands dismissed. The family court is directed to dispose of the main petition filed by the non-petitioner under Section 125 Cr.P.C. utmost expeditiously preferably within four months from the date of receipt of this order.

(H.R.PANWAR),J.

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